

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; SONY BMG
MUSIC ENTERTAINMENT; ARISTA
RECORDS LLC; ELEKTRA
ENTERTAINMENT GROUP INC.;
CAPITOL RECORDS, INC.; and BMG
MUSIC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; and BMG MUSIC, a New
York general partnership,

Plaintiffs,

v.

ELISE TAMAI,

Defendant.

CASE NO. 3:07-CV-04835-JCS

Honorable Joseph C. Spero

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for April 4, 2008, at 10:30 a.m., to July 11, 2008. As further explained below,
3 Defendant Elise Tamai ("Defendant") has not appeared in this action, and Plaintiffs are filing a
4 request for clerk's default. Therefore, a case management conference is unnecessary at this time.

5 1. Plaintiffs initially filed the Complaint in this matter against a John Doe defendant on
6 September 20, 2007. In order to discover the Doe defendant's true identity, Plaintiffs also filed their
7 *Ex Parte* Application for Leave to Take Immediate Discovery seeking the Court's permission to
8 serve a Rule 45 subpoena on Defendant's Internet Service Provider ("ISP"). On October 3, 2007,
9 the Court issued an Order for Leave to Take Immediate Discovery. Plaintiffs then served a
10 subpoena on the ISP, which thereafter identified the Defendant, Elise Tamai.

11 2. While this case was still in the Doe stage, the Court issued a December 21, 2007
12 Order granting Plaintiffs' previous request to continue the case management conference from the
13 original date of January 11, 2008 to the currently scheduled date.

14 3. Once the ISP identified Defendant, Plaintiffs sent her a letter notifying her of
15 Plaintiffs' claims and encouraging her to contact Plaintiffs and attempt to amicably resolve this
16 matter. No settlement was reached. Accordingly, on January 18, 2008, Plaintiffs filed their First
17 Amended Complaint naming Ms. Tamai individually as the Defendant.

18 4. Defendant was served with process on February 18, 2008, by substitute service.
19 Defendant has not answered or otherwise responded to the Complaint. Accordingly, along with this
20 application, Plaintiffs are filing a request for entry of clerk's default.

21 5. Given the circumstances of this case, there is no need for a case management
22 conference at this time. Therefore, Plaintiffs respectfully request that the Court continue the case
23 management conference from April 4, 2008, at 10:30 a.m., to July 11, 2008, or such other date as
24 conveniences the Court.

25 Dated: March 25, 2008

HOLME ROBERTS & OWEN LLP

26
27 By: /s/ Matthew Franklin Jaksa

28 MATTHEW FRANKLIN JAKSA
Attorney for Plaintiffs

[PROPOSED]ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for April 4, 2008, at 10:30 a.m., be continued to July 11, 2008.

Dated: _____

By: _____
Honorable Joseph C. Spero
United States Magistrate Judge